

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

INDIAN HOMES PROGRAMS, LLC SERIES III,)
 Plaintiffs,)
 vs.)
 NORTHWEST TRUSTEE SERVICES, INC., et al.,)
 Defendants.)

Case No. 2:15-cv-0026-JAD-NJK

ORDER

(Docket No. 20)

Pending before the Court is Plaintiff's motion for attorney's fees and damages. Docket No. 20. That motion asserts that Plaintiff is entitled to attorney's fees and damages pursuant to N.R.S. 107.080. *See id.* On July 10, 2015, the undersigned issued a report and recommendation recommending that Plaintiff's claims to quiet title and injunctive relief be dismissed without leave to amend. *See* Docket No. 22. At the same time, the Court expressed no opinion as to the pending motion for attorney's fees and damages. *See id.* at 3 n.3. Plaintiff has now filed an objection to that report and recommendation asserting that the request for attorney's fees and damages pursuant to N.R.S. 107.080 is actually a stand-alone cause of action, and that Plaintiff should be entitled to amend the complaint to raise that cause of action. *See* Docket No. 24. That objection further acknowledges that the underlying allegations are not framed in Plaintiff's currently-operative complaint as a separate cause of action. *See id.* at 4 ("these allegations are not outlined in IHP's Complaint as a cause of action"); *see also id.* at 5 ("IHP should be allowed to amend its pleading to include a claim for violation of NRS 107.080"). In short, it appears

1 that the relief at issue in the pending motion for attorney's fees and damages may be intertwined with
2 the resolution of Plaintiff's pending objection to the report and recommendation.

3 In light of the above, the Court hereby **DENIES** the pending motion for attorney's fees and
4 damages without prejudice. This order is without prejudice to Plaintiff seeking attorney's fees and
5 damages pursuant to N.R.S. 107.080 in the event that Judge Dorsey concludes that Plaintiff can proceed
6 on such a claim.¹

7 IT IS SO ORDERED.

8 DATED: July 28, 2015

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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28 ¹ This order is also without prejudice to Defendant re-raising its counter request for attorney's fees.
See Docket No. 21.